



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 1<sup>st</sup> day of October, 2003

Essential Air Service at

**JAMESTOWN, NEW YORK**

under 49 U.S.C. 41731 *et seq.*

**Served: October 6, 2003**

**Docket OST-2003-14950**

**ORDER EXTENDING SERVICE OBLIGATION**

**Summary**

By this order, the Department of Transportation extends the service obligation of Air Midwest, Inc., d/b/a US Airways Express (Air Midwest), at Jamestown, New York, for an additional 30 days, through [November 13, 2003](#).

**Background**

On April 14, 2003, Air Midwest filed a 90-day notice of its intent to suspend its unsubsidized service at Jamestown, effective July 14, 2003.<sup>1</sup> By Order 2003-6-11, June 5, 2003, the Department prohibited Air Midwest from suspending service beyond the end of its 90-day notice period, through August 12, 2003, and requested proposals, with subsidy if necessary, from carriers interested in providing replacement service. As required by 49 U.S.C. 41734, we have extended Air Midwest's service obligation for additional 30-day periods, the latest through [October 14, 2003](#), by Order [2003-9-11](#).

On July 13, 2003, Air Midwest became eligible for compensation for its forced service. By Order 2003-7-8, July 7, 2003, the carrier and Department staff agreed to an annual subsidy rate of \$428,188, for three (3) nonstop round trips per day to Pittsburgh with 19-seat Beech 1900D aircraft.

By Order 2003-9-2, September 5, 2003, the Department selected Colgan Air to provide essential air service at Jamestown in conjunction with its service at Bradford, PA, for two years, at an annual subsidy rate of \$1,003,874. Colgan has informed us that it expects to be able to inaugurate service at Jamestown and Bradford roughly within 60 to 90 days of the service date of the above-mentioned selection order. Therefore, in accordance with 49 U.S.C. 41734(c), we must extend Air Midwest's service obligation at Jamestown for an additional 30 days, or until Colgan's replacement service actually begins, whichever occurs first.

This order is issued under authority assigned in 14 CFR 385.12(k)(5).

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<sup>1</sup> Although Air Midwest's notice was dated April 11<sup>th</sup>, we did not receive it until April 14<sup>th</sup>.

**ACCORDINGLY,**

1. We require Air Midwest, Inc., d/b/a US Airways Express, to maintain essential air service between Jamestown, New York, and Greater Pittsburgh International Airport, consisting of three daily nonstop round trips for an additional 30-day period through [November 13, 2003](#), or until Colgan's replacement service actually begins, whichever occurs first;<sup>2</sup>

2. We direct Air Midwest to retain all books, records, and other source and summary documentation to support subsidy claims for payment, and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of must be retained. The carrier may forfeit its compensation for any claim that is not supported under the terms of this order;

3. Docket OST-2003-14950, will remain open until further order of the Department; and

4. We will serve a copy of this order on the Mayor and Airport Manager of Jamestown, and Air Midwest.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, must file such petitions within ten (10) days after the date of service of this order.

This order will be effective immediately, and the filing of a petition for review shall not preclude its effectiveness.

By:

**RANDALL D. BENNETT**

Director

Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at  
<http://dms.dot.gov>*

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<sup>2</sup> In accordance with 49 U.S.C. 41734(c), we will extend Air Midwest's service obligation for successive 30-day periods, as necessary, until replacement service actually begins.